

# भारत का राजपत्र

## The Gazette of India

भारतीय

EXTRAORDINARY

भाग II—संख्या 1

PART II—Section 1

प्रधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संलग्न वी जाती है जिससे कि यह अज्ञग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

### MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th June, 1966/Asadha 9, 1888 (Saka)

### THE CRIMINAL LAW AMENDMENT (AMENDMENT)

ORDINANCE, 1966

No. 7 OF 1966

Promulgated by the President in the Seventeenth Year of the  
Republic of India.

An Ordinance further to amend the Criminal Law Amendment  
Act, 1952.

WHEREAS a Bill further to amend the Criminal Law Amendment  
Act, 1952, has been introduced in Parliament but has not yet been  
passed; and it is considered necessary to give effect to the provisions  
of the Bill with certain modifications;

AND WHEREAS Parliament is not in session and the President is  
satisfied that circumstances exist which render it necessary for him  
to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

**Short title and commencement.** 1. (1) This Ordinance may be called the Criminal Law Amendment (Amendment) Ordinance, 1966.

(2) It shall come into force at once.

**Act 46 of 1952 to be temporarily amended.** 2. During the period of operation of this Ordinance, the Criminal Law Amendment Act, 1952 (hereinafter referred to as the principal Act), shall have effect as if it had been amended as specified in sections 3 and 4.

**Amendment of section 8** 3. In sub-section (3A) of section 8 of the principal Act, for the word and figures "section 350", the words and figures "sections 350 and 549" shall be substituted.

**Insertion of new section 11.** 4. After section 10 of the principal Act, the following section shall be inserted and shall be deemed always to have been inserted, namely:—

**Military, naval and air force laws not to be affected.** "11. (1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any military, naval or air force law.

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the court of the special Judge shall be deemed to be a court of ordinary criminal justice.”.

**Validation and indemnity.** 5. No trial or other proceeding held or taken before, and no sentence passed by a court martial or any other authority under any military, naval or air force law before the commencement of the Criminal Law Amendment (Amendment) Ordinance, 1966, shall be called in question in any court merely on the ground that the court martial or other authority had no jurisdiction by virtue of the provisions of the principal Act and all such trials, proceedings and sentences shall, notwithstanding any judgment or order of any court, be as valid and operative as if they had been held, taken or passed in accordance with law; and accordingly no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such trial, proceeding or sentence was not held, taken or passed in accordance with law.

6. (1) Notwithstanding anything contained in this Ordinance or ~~saving~~ in the principal Act as amended by this Ordinance—

(a) cases pending immediately before the commencement of this Ordinance before a special Judge in which one or more persons subject to military, naval or air force law is or are charged with and tried for an offence under the principal Act together with any other person or persons not so subject, and

(b) cases pending immediately before such commencement before a special Judge in which one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have already been framed against such person or persons,

shall be tried and disposed of by the special Judge.

(2) Where in any case pending immediately before the commencement of this Ordinance before a special Judge one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have not been framed against such person or persons before such commencement, or where, on appeal or on revision against any sentence passed by a special Judge in any case in which one or more persons so subject was or were alone tried, the appellate court has directed that such person or persons be retried and on such retrial charges have not been framed against such person or persons before such commencement, then, in either case, the special Judge shall follow the procedure laid down in section 549 of the Code of Criminal Procedure, 1898, as if the special Judge were a Magistrate.

**5 of 1898.**

S. RADHAKRISHNAN,  
*President.*

S. P. SEN-VARMA,  
*Secy. to the Govt. of India.*

